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Attorneys for Plaintiffs Laborers Trust Funds

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

BOARD OF TRUSTEES OF THE
LABORERS HEALTH AND WELFARE
TRUST FUND FOR NORTHERN
CALIFORNIA; BOARD OF TRUSTEES OF
THE LABORERS VACATION-HOLIDAY
TRUST FUND FOR NORTHERN
CALIFORNIA; BOARD OF TRUSTEES OF
THE LABORERS PENSION TRUST FUND
FOR NORTHERN CALIFORNIA; and
BOARD OF TRUSTEES OF THE
LABORERS TRAINING AND RETRAINING
TRUST FUND FOR NORTHERN
CALIFORNIA,

Plaintiffs,

vs.

KURT ALBIN ERNST individually and doing
business as ERNST MECHANICAL
COMPANY, a California Company,

Defendants.

Case No.: C 08 CV 00355 PJH

**DECLARATION OF RONALD L.
RICHMAN IN SUPPORT OF
PLAINTIFFS' REQUEST FOR CLERK'S
ENTRY OF DEFAULT**

I, RONALD L. RICHMAN, declare as follows:

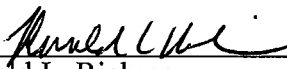
1. I am a shareholder of the law firm of Bullivant Houser Bailey, PC,
counsel for Plaintiffs in this action.

2. I have personal knowledge of the following and, if called upon to testify,
am competent to do so.

1 3. Defendant Kurt Albin Ernst was personally served on February 8, 2008
2 with the Complaint for Damages for Breach of Collective Bargaining Agreement
3 And For Mandatory Injunction. Attached hereto as Exhibit A is a true and correct
4 copy of the Proof of Service.

5 4. A responsive pleading was due on or before February 28, 2008. No
6 responsive pleading has been filed by defendant nor has defendant appeared
7 informally, and no cause exists which would prevent the Clerk of Court from
8 entering the default of Defendant Kurt Albin Ernst.

9 I declare under penalty of perjury of the laws of the State of California that
10 the foregoing is true and correct and that this declaration was executed on April 25,
11 2008 at San Francisco, California.

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14 Ronald L. Richman

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EXHIBIT A

RONALD L. RICHMAN (SBN 139189) SUSAN J. OLSON (SBN 15246) BULLIVANT HOUSER BAILEY PC 601 CALIFORNIA STREET, SUITE 1800 SAN FRANCISCO, CALIFORNIA 94108 Telephone: (415) 352-2700 Facsimile: (415) 352-2701 Attorney(s) for: PLAINTIFFS Reference: 3011367		
UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA		
BOARD OF TRUSTEES OF THE LABORERS HEALTH AND WELFARE TRUST FUND FOR NORTHERN CALIFORNIA, et al. <p style="text-align: right;">Plaintiff (s)</p>		CASE NUMBER: CV 08 0355 BZ
v. KURT ALBIN ERNST, individually and doing business as ERNST MECHANICAL COMPANY, a California Company <p style="text-align: right;">Defendant (s)</p>		<p style="text-align: center;">PROOF OF SERVICE SUMMONS AND COMPLAINT</p> (Use separate proof of service for each person/party served)

- At the time of service I was at least 18 years of age and not a party to this action and I served copies of the (specify documents):

<input checked="" type="checkbox"/> summons	<input checked="" type="checkbox"/> complaint	<input type="checkbox"/> alias summons	<input type="checkbox"/> first amended complaint
in a civil case			<input type="checkbox"/> second amended complaint
			<input type="checkbox"/> third amended complaint

☒ other (specify): CIVIL COVER SHEET; ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE AND ADR DEADLINES; STANDING ORDERS; STANDING ORDER FOR ALL JUDGES OF THE NORTHERN DISTRICT OF CALIFORNIA CONTENTS OF JOINT CASE MANAGEMENT STATEMENT; IN ADDITION TO THE LOCAL RULES, THE FOLLOWING GUIDELINES HAVE BEEN PROVIDED TO ENSURE THAT THE FILING PROCESS IS ACCOMPLISHED WITH EASE AND ACCURACY; NOTICE OF ASSIGNMENT OF CASE TO A UNITED STATES MAGISTRATE JUDGE FOR TRIAL; (BLANK) CONSENT TO PROCEED BEFORE A UNITED STATES MAGISTRATE JUDGE; (BLANK) DECLINATION TO PROCEED BEFORE A MAGISTRATE JUDGE AND REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE; ECF REGISTRATION INFORMATION HANDOUT
- Person served:
 - ☒ Defendant (name): KURT ALBIN ERNST
 - ☐ Other (specify name and title or relationship to the party/business named):
 - ☒ Address Where papers were served: 4605 OAK HILL ROAD, OAKLAND, CA 94605
- Manner of service in compliance with (the appropriate box must be checked):
 - ☒ Federal Rules of Civil Procedure
 - ☐ California Code of Civil Procedure
- I served the person named in item 2:
 - ☒ By Personal service. By personally delivering copies. If the person is a minor, by leaving copies with a parent, guardian, conservator or similar fiduciary and to the minor if at least (12) years of age.
 - ☒ Papers were served on (date): **FEBRUARY 8, 2008** at (time): **9:25AM**
 - ☐ By Substituted service. By leaving copies:
 - ☐ (home) at the dwelling house, usual place of abode, or usual place of business of the person served in the presence of a competent member of the household, at least 18 years of age, who was informed of the general nature of the papers.
 - ☐ (business) or a person apparently in charge of the office of place of business, at least 18 years of age, who was informed of the general nature of the papers.

PROOF OF SERVICE-SUMMONS AND COMPLAINT

3. ☐ Papers were served on (date): _____ at (time): _____
4. ☐ by mailing (by first-class mail, postage prepaid) copies to the person served in item 2(b) at the place where the copies were left in Item 2(c).
5. ☐ papers were mailed on (date): _____
6. ☐ due diligence. I made at least three (3) attempts to personally serve the defendant.
- c. ☐ Mail and acknowledgment of service. By mailing (by first-class mail or airmail, postage pre-paid) copies to the person served, with two (2) copies of the form of Waiver of Service of Summons and Complaint and a return envelope, postage prepaid to the sender. (Attach completed Waiver of Service of Summons and Complaint).
- d. ☐ Service on domestic corporation, unincorporated association (including partnership), or public entity. (F.R.Civ.P.4(h)) (C.C.P. 416.10) By delivering, during usual business hours, a copy of the summons and complaint to an officer, a managing or general agent, or to any other agent authorized by appointment of by law to receive service of process and, if the agent is one authorized by statute and the statute so requires, a mailing, by first-class mail, postage prepaid, a copy to the defendant.
- e. ☐ Substituted service on domestic corporation, unincorporated association (including partnership), or public entity. (C.C.P. 415.20 only) By leaving during usual office hours, a copy of the summons and complaint in the office of the person served with the person who apparently was in charge and thereafter by mailing (by first-class mail, postage prepaid) copies to the persons at the place where the copies were left in full compliance with C.C.P. 415.20. Substitute service upon the California Secretary of state requires a court order. (Attach a copy of the order to this proof of service).
- f. ☐ Service on a foreign corporation. In any manner prescribed for individuals by FRCP 4(f).
- g. ☐ Certified or registered mail service. By mailing to an address outside California (by first-class mail, postage prepaid, requiring a return receipt) copies to the person served. (Attach signed return receipt or other evidence of actual receipt by the person served).
- h. ☐ Other (specify code section and type of service):
5. Service upon the United States, and Its Agencies, Corporations or Officers.
- a. ☐ by delivering a copy of the summons and complaint to the clerical employee designated by the U.S. Attorney authorized to accept service, pursuant to the procedures for the Office of the U.S. Attorney for acceptance of service, or by sending a copy of the summons and complaint by registered or certified mail addressed to the civil process clerk at the U.S. Attorneys Office.
Name of person served:
Title of person served:
Date and time of service: (date): _____ at (time): _____
- b. ☐ By sending a copy of the summons and complaint by registered or certified mail to the Attorney General of the United States at Washington, D.C. (Attached signed return receipt or other evidence of actual receipt by the person served).
- c. ☐ By sending a copy of the summons and complaint by registered or certified mail to the officer, agency or corporation (Attach signed return receipt or other evidence of actual receipt by the person served).
6. At the time of service I was at least 18 years of age and not a party to this action.
7. Person serving (name, address and telephone number):

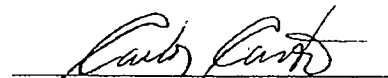
CARLOS CASTRO/#417/SAN FRANCISCO
NATIONWIDE LEGAL, INC.
1255 POST STREET, SUITE #500
SAN FRANCISCO, CA 94109
(415) 351-0400

- a. Fee for service: \$
- b. ☐ Not a Registered California Process Server
- c. ☐ Exempt from registration under B&P 2235(b)
- d. ☒ Registered California Process Server

8. ☐ I am a California sheriff, marshal, or constable and I certify that the foregoing is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Date: FEBRUARY 8, 2008


(Signature)

PROOF OF SERVICE-SUMMONS AND COMPLAINT

United States District Court
NORTHERN DISTRICT OF CALIFORNIA

BOARD OF TRUSTEES OF THE LABORERS HEALTH
AND WELFARE TRUST FUND FOR NORTHERN
CALIFORNIA; BOARD OF TRUSTEES OF THE
LABORERS VACATION-HOLIDAY TRUST FUND FOR
NORTHERN CALIFORNIA; BOARD OF TRUSTEES OF
THE LABORERS PENSION TRUST FUND FOR
NORTHERN CALIFORNIA and BOARD OF TRUSTEES
OF THE LABORERS TRAINING AND RETRAINING
TRUST FUND FOR NORTHERN CALIFORNIA

SUMMONS IN A CIVIL CASE

BZ

CASE NUMBER:

CV 08

0355

V.

KURT ALBIN ERNST individually and doing business as
ERNST MECHANICAL COMPANY, a California Company

TO: (Name and address of defendant)

Kurt Albin Ernst
4605 Oak Hill Rd.
Oakland, CA 94605

Ernst Mechanical Company
4605 Oak Hill Rd.
Oakland, CA 94605

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Ronald L. Richman
Susan J. Olson
Bullivant Houser Bailey PC
601 California Street, Suite 1800
San Francisco, CA 94108

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgement by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Richard W. Wieking

CLERK



(BY) DEPUTY CLERK

DATE JAN 18 2008

ANNA SPRINKLES

American LegalNet, Inc.
www.USCourtForms.com

AO 440

RETURN OF SERVICEService of the Summons and Complaint was made by me ¹

DATE

Name of SERVER

TITLE

Check one box below to indicate appropriate method of service

- ☐ Served Personally upon the Defendant. Place where served:
- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
Name of person with whom the summons and complaint were left:
- ☐ Returned unexecuted:
- ☐ Other (specify):

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL
		\$0.00

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on

Date

Signature of Server

Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure

 **FILE COPY**

Quinn, Beverly

From: ECF-CAND@cand.uscourts.gov
Sent: Tuesday, February 19, 2008 11:36 AM
To: efilings@cand.uscourts.gov
Subject: Activity in Case 3:08-cv-00355-BZ Board of Trustees of the Laborers Health & Welfare Trust Fund for Northern California et al v. Ernst Certificate of Service

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

*****NOTE TO PUBLIC ACCESS USERS***** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing.

U.S. District Court
Northern District of California
Notice of Electronic Filing or Other Case Activity

NOTE: Please read this entire notice before calling the Help Desk. If you have questions, please email the Help Desk by replying to this message; include your question or comment along with the original text.

Please note that these Notices are sent for all cases in the system when any case activity occurs, regardless of whether the case is designated for e-filing or not, or whether the activity is the filing of an electronic document or not.

If there are two hyperlinks below, the first will lead to the docket and the second will lead to an e-filed document.

If there is no second hyperlink, there is no electronic document available .

See the FAQ posting 'I have a Notice of Electronic Filing that was e-mailed to me but there's no hyperlink...' on the ECF home page at <https://ecf.cand.uscourts.gov> for more information.

The following transaction was received from by Richman, Ronald entered on 2/19/2008 11:35 AM PST and filed on 2/19/2008

Case Name: Board of Trustees of the Laborers Health & Welfare Trust Fund for Northern California et al v. Ernst
Case Number: 3:08-cv-355
Filer: Board of Trustees of the Laborers Pension Trust Fund for Northern California
Board of Trustees of the Laborers Vacation-Holiday Trust Fund for Northern California
Board of Trustees of the Laborers Health & Welfare Trust Fund for Northern California
Board of Trustees of the Laborers Training & Retraining Trust Fund for Northern California

Document

2/19/2008

Number: 4

Docket Text:

CERTIFICATE OF SERVICE by Board of Trustees of the Laborers Health & Welfare Trust Fund for Northern California, Board of Trustees of the Laborers Vacation-Holiday Trust Fund for Northern California, Board of Trustees of the Laborers Pension Trust Fund for Northern California, Board of Trustees of the Laborers Training & Retraining Trust Fund for Northern California (*Kurt Albin Ernst*) (Richman, Ronald) (Filed on 2/19/2008)

3:08-cv-355 Notice has been electronically mailed to:

Susan Jane Olson susan.olson@bullivant.com, #sanfranciscodocketing@bullivant.com

Ronald Lee Richman ron.richman@bullivant.com, sanfranciscodocketing@bullivant.com

3:08-cv-355 Notice has been delivered by other means to:

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:F:\Global\E-Filing\RLR-Laborers\29512-57 Ernst\21408 Kurt Ernst.PDF

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=2/19/2008] [FileNumber=4143756-0]

[ae48ec7ff391d5fdd9d706c7c33f57a6c159b1bef1a066f3cd39d78207871f10b160c

b5b68066e9a0949bd10ce14247f8f0c277321ce7ae4c9ebc62f7a514a2b]]